

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT SIEGAL,

Plaintiff,

vs.

MASCOT PETROLEUM COMPANY, INC.
A SUBSIDIARY OF SUNOCO, INC. (R & M)¹

Defendant.

Civil Action No. 05-10648-GAO

ASSENTED-TO MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM

Defendant, Mascot Petroleum Company, Inc. a Division of Sunoco, Inc. (R&M) ("Sunoco"), hereby moves for leave to file a reply memorandum to Plaintiff's opposition to the motion to dismiss.² In support of its motion, Defendant states as follows: (1) Plaintiff's opposition reflects a misapprehension of the controlling legal principles; and (2) Defendant's reply memorandum may be useful to the Court in resolving the pending motion to dismiss.

WHEREFORE, Defendant respectfully requests that its Motion for Leave to File a Reply Memorandum be allowed.

¹ Defendant has been improperly named in this case as "Mascot Petroleum Company, Inc. a Subsidiary of Sunoco, Inc. (R & M)." In fact, Mascot Petroleum Company, Inc. is a division of Sunoco, Inc. (R&M).

² For the convenience of the Court, a copy of the proposed reply memorandum is submitted herewith.

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Defendant certifies that it conferred with Plaintiff in good faith in an attempt to resolve this matter and Plaintiff, through his counsel, indicated his assent to this motion.

Respectfully submitted,

MASCOT PETROLEUM COMPANY, INC.
A DIVISION OF SUNOCO, INC. (R & M)

By its attorneys,

/s/Richard W. Paterniti

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Dated: May 18, 2005